

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

CHELSEA GILLIAM, *et al.*,

Plaintiffs,

V.

DEPARTMENT OF PUBLIC SAFETY
AND CORRECTIONAL SERVICES, *et
al.*,

Defendants.

Civil Action No. MJM-23-01047

* * * * *

DPPCS DEFENDANTS' MOTION TO POSTPONE
SETTLEMENT CONFERENCE

Defendants, the Department of Public Safety and Correctional Services (“the Department”), Carolyn Scruggs, Philip Morgan, Damilare Adisa-Thomas, Nurudeen Matti, William Bailey, Christopher Smith, Gregory Werner, Orlando Johnson, Kimberly Stewart, Ronald Weber, Michele Gardner, and David Wolinski (collectively “DPSCS Defendants”)¹, by and through their undersigned counsel, respectfully request a postponement of the October 8, 2025 settlement conference and in support thereof state as follows:

¹ Plaintiffs also purport to assert claims against several other unnamed defendants, identified only as “Housing Does,” “Healthcare Does,” and “Custody Does.”

1. On March 5, 2025, this Court entered a proposed scheduling order stating that the parties may request a modification of the initial scheduling order by March 20, 2025. ECF No. 150.

2. On March 19, 2025, the parties filed a joint motion to amend the proposed scheduling order, requesting this Court to extend the discovery deadlines “[d]ue to the complexity and scope of the issues to be covered and the number of parties and facilities involved in the case[.]” ECF No. 156, ¶ 3.

3. On March 20, 2025, the parties participated in a scheduling conference call with this Court, where the parties agreed to refer the matter to a magistrate judge for settlement purposes. However, DPSCS Defendants objected to an early settlement conference, noting that due to the complexity of this case and the Department’s lengthy review and authorization process, an early settlement conference date would likely be ineffectual.

4. After the conference, this Court referred the matter to the Honorable Charles D. Austin, United States Magistrate Judge for purposes of settlement. ECF No. 157. This Court also granted the parties’ joint motion to amend the scheduling order on March 20, 2025, and extended the discovery deadline to November 21, 2025. ECF No. 158.

5. On April 4, 2025, Judge Austin issued an order scheduling a settlement conference in this matter for October 8, 2025. ECF No. 159.

6. On June 12, 2025, this Court granted the order of the parties’ stipulated protective order regarding disclosure of confidential information and the parties began to engage in the discovery process.

7. On July 23, 2025, the parties again consented to further extend the disclosure and discovery deadlines given the ongoing discovery exchanges and disputes, but the parties agreed to attempt to proceed with the October 8, 2025 settlement conference even with the adjustment of the other deadlines in the scheduling order. ECF No. 164.

8. On July 28, 2025, this Court granted the parties' motion and extended the discovery deadline to February 23, 2026. ECF No. 165.

9. On August 19, 2025, Plaintiffs sent DPSCS Defendants a settlement demand. The demand proposed substantive revisions to the Department's policies and practices regarding the housing, medical treatment, and training for transgender incarcerated individuals that would entail extensive coordination with its medical and mental health providers and outside consultants, as well as other non-monetary forms of relief. Additionally, Plaintiffs' demand sought attorneys' fees and damages.

10. Due to the scope and breadth of these non-monetary demands, DPSCS Defendants have not had sufficient time to review and discuss the proposed terms with several members of its executive staff and its medical providers to explore the programming, security, policy, logistical, and other issues raised in Plaintiffs' demand. Accordingly, DPSCS Defendants will not be prepared to provide a counter-offer or agree to any non-monetary terms by the settlement conference date of October 8, 2025.

11. Further, DPSCS Defendants produced discovery to Plaintiffs on July 11, 2025, August 18, 2025, and September 5, 2025. Plaintiffs identified several deficiencies in the production, which the parties are currently attempting to resolve. The parties are also in discussions to develop a mutually agreeable ESI protocol and procedure. Additionally,

DPSCS Defendants propounded discovery requests to Plaintiffs on September 23, 2025, and are awaiting the responses from Plaintiffs. Given the outstanding discovery in this case, DPSCS Defendants will not be authorized to agree to any monetary awards until further discovery can be completed.

12. Therefore, DPSCS Defendants respectfully request a postponement of the October 8, 2025 settlement conference to a later date, but before the dispositive motion deadline of March 27, 2026. A postponement will allow DPSCS Defendants more time to secure the requisite authorization needed to meaningfully participate in any settlement discussion with Plaintiffs' counsel in this case.

13. Counsel for DPSCS Defendants have asked Plaintiffs' counsel for their position on the postponement, but unfortunately, several members of their team have been away on vacation, and therefore, Plaintiffs' counsel could not offer a position.

14. Counsel for DPSCS Defendants submits that this Motion is made for good cause, is not for the purposes of delay, will not prejudice Plaintiffs, and is in the best interest of justice and judicial economy.

WHEREFORE, DPSCS Defendants respectfully request that this Motion to Postpone Settlement Conference be granted, and to reschedule the settlement conference to a later date, but no later than March 27, 2026.

Respectfully submitted,

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/s/ Merrilyn E. Ratliff

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Counsel for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of September, 2025, a copy of the foregoing DPSCS Defendants' Motion was served via the electronic filing system on counsel for all parties.

/s/ Kelly M. Donoho
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